

1911-054 Chancery Causes: Mary Elizabeth Curl vs. James Curl
Lee Co.

Thompson, Hughes

CA-Divorce
T-Women

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

Humbly complaining, your oratrix, Mary Elizabeth Curl would respectfully represent unto your honor as follows:

1. That she and James Curl were duly married in this county and State on or about the _____ day of May, 1881; that they lived together as man and wife, until about six years ago;

2. That the said James Curl was always an indolent, lazy and thriftless man, and always depended upon your oratrix to provide for herself and their children, five in number; that they were extremely poor people, and had to depend upon their daily wages for the support of themselves and family; that after the demands of herself for the actual necessities of life for herself and children became so great she could not support herself and family, she and the said James broke up house-keeping for the purpose so she could go out and work for wages; they putting their children out in homes of other people; that after a time, the said James Curl refused to come back to your oratrix, and for more than three years next preceeding the institution of this suit has refused to live with your oratrix, or to provide for her and their children in any way; he lives here and there in this county working for vairous people, but never takes any part of his wages for the support of his wife or their children. The youngest of their children is now 14 years old and is hired out for wages.

3. That your oratrix charges that her said husband has without wilfully any just cause or excuse, left and deserted her for more than three years before the institution of this suit, and continues to live away from her;

4. That she is now and has been for more than a year previous to the institution of this suit domiciled in and a resident of Lee County, Va.; that they last cohabited together as man and wife in said county and State, and that the said James Curl is a resident of Lee County, Va., and has been such resident for more than a year before the commencement of this suit.

Wherefore, inasmuch as your oratrix is remediless, save in a court of equity where such matters are properly cognizable, she prays that James Curl be made a prty defendant to this bill of complaint, and be required to answer the same, but he need not do so on oath as that is expressly waived; that, upon a hearing of this case, your honor will grant unto your oratrix a divorce from the said James Curl, a vinculo matrimonii; and that for all other further, and general relief be awarded her as the nature of her cause may require and will be proper and meet. And she will ever pray, etc.

Cunnington Bros. P.Q.

Mary E. Curl

vs. } Bill

James Curl

Filed Nov. 23, 1910.

J. P. Ewing, Clerk.

1910 2nd Dec. Rules
Bill filed & Spa
executed

1911 1st Jan. Rules
cause set for
hearing.

Costs:

Clerk \$3.55

Tax 1.50

Shiff. 1.00

atty. 15.00

Com'g 1.50

\$22.55

Mary Elizabeth Curl.....Complainant.

Vs. In Chancery

James Curl.....Defendant.

This cause came on this day to be heard upon the bill of the complainant and the depositions of said complainant and Rebecca S. Thompson taken in this cause on the 20th day of December, 1910, by a Commissioner in Chancery for this court, and which depositions were taken after due notice to the said defendant, and said depositions were duly filed in this court on December 23, 1910. And it appearing to the court that process has been duly served in this cause; ^{upon said defendant on Dec - 19 - 1910} that the deposition aforesaid prove to the satisfaction of the court that the said defendant had wilfully and without just cause deserted his wife, the said complainant, for more than three years previous to the institution of this suit; and that the said complainant and defendant at the time of the institution of this suit were residents of this County and State, and had been for more than a year previous to the institution of this suit.

On consideration of all which it is adjudged, ordered and decreed that the said complainant be and is hereby awarded and granted a divorce, forever dissolving the bonds of matrimony ^{now and} heretofore existing between said complainant and said defendant. And it is further adjudged, ordered and decreed that the said complainant recover of the said defendant the costs of this suit to be taxed by the clerk of this court and for which an execution may issue. And this cause is stricken from the docket.

Mary E. Leavel

vs } Deane Fine

James Leavel

Entered in C.O.B.
No. 9, page 11/14.

Enter this Feb. 13-1911

H. A. W. S. Leavel

Mail copy of decree
to Elizabeth Curl -
Oakton Va.

To James Curl:

Take notice, that on the ~~20~~²⁶th day of December, 1910, at the law office of E.W. Pennington in the town of Pennington Gap, in Lee county, Virginia, between the hours of 9 A.M. and 3. P.M. of that day, I shall proceed to take the depositions of Wm. Thompson and others, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit for the county of Lee, wherein I am complainant, and you are defendant; and if, for any cause the taking of the said depositions be not commenced, or if commenced be not concluded, the taking thereof will be adjourned from day to ^{day} and from time to time at the same place and between the same hours, until the same shall be completed.

This the 26th day of November, 1910.

Yours very truly,

Mary Elizabeth Curl.

By Counsel.

9
Mary E. Leurl

vs. Notice

James Curl

Exhibited on the
19th day of Dec-
1910 by delivering
a true copy of the
within notice to
James Leurl in
Lin County, Va

W. G. Tucker S. d. l.

Mary Elizabeth Curl, Complainant,

Vs.

James Curl, Defendant.

In Chancery. Depositions.

The depositions of Mary Elizabeth Curl and others, taken before me R.E.L.Chumbley, a commissioner in chancery for the Circuit court for Lee County, Va., pursuant to notice hereto annexed at the law office of E.W.Pennington in the town of Pennington Gap, in Lee County, Virginia, on the 20th day of December, 1910, and between the hours of 9 A.M. and 3 P.M. of that day, to be read as evidence in behalf of Mary Elizabeth Curl in a certain suit in equity, now depending in the circuit court for Lee County, wherein the said Mary Elizabeth Curl is complainant and James Curl is defendant.

Present E.W.Pennington attorney for said Complainant.

The witness Mary Elizabeth Curl being duly sworn deposes as follows:-

Q.1. Give your name, and age.

Ans. My name is Mary Elizabeth Curl; I was 45 years old on the 7th day of this month.

Q.2. Are you the complainant in this case?

Ans. I am.

Q. 3. Where do you claim your citizenship?

Ans. In Lee County, Va., near Pennington Gap.

Q.4. How long have you had your citizenship in Lee County, Va.

Ans. All my life, ever since I can remember; thought I have been out of the county at times at work; but I have always kept my home in Lee County.

Q.5. About when did you and James marry?

Ans. In May, 1881, as well as I remember.

Q. 6. How long did you live together as man and wife after you and he were married to each other?

Ans. Until about six years ago.

Q.7. Why are you not now living together as man and wife?

Ans. My husband was always a triftless and indolent person; he never made any provision for myself and family; so when our

children got larger, it became impossible for me to support them and myself; so I hired out and worked for wages. After a time the children got large enough to take care of themselves, but then my husband would not live with me, so I have been often told by others. I don't remember him ever telling me he would not live with me. He works here and there for people but never has offered to give me any thing or to contribute to my support. After he left me, he kept company with other women. He had no cause for leaving me at all, nor for failing to support me and our children. He was not sick, but able to have done so, or at least helped.

Q. 8. Where does James Curl live and reside? And for how long before the bringing of this suit.

Ans. He has always lived in Lee County, and resides therein. I think he has been making his home at John Z. Ely's for a year or more before this suit was brought. I understand that a few days ago he has been staying at W.T. Gilley's in this county.

And further this deponent saith not.

Mary Elizabeth Curl *her*
mark

Rebecca S. Thompson, another witness after being duly sworn deposes as follows:

Q. Give your name, age residence and age.

Ans. My name is Rebecca S. Thompson. I am about 34 years old, and reside at Pennington Ga, Va.

Q. 2. Are you acquainted with Mary Elizabeth Curl and James Curl?

Ans. Yes I know both of them. I am a sister of Mary Elizabeth Curl.

Q. 3. Are the complainant and defendant in this case now living together? If you say they are not, state about how long they have been separated?

Ans. They are not living together; they have been separated for about six years as well as I remember.

Q. 4. Where does your sister make her home and for how long before this suit was brought?

Ans. At Pennington Gap in Lee county, and ever since I can remember. James Curl has also made his home and resided at and near Pennington Gap, in Lee County, ever since I can remember.

Q.5. If you ever heard James Curl make any statement about living with the plaintiff,tell what it was he said?

Ans. About the time James left the plaintiff,he came to my mother's and I heard him tell her,that he had left his wife for good;that he did not intend to live with her any more;that it was all he could do to keep himself up and he was going to work for himself. And I have repeatedly heard him say that he was not going to live with his wife. And he never has lived with her since he left her about six years ago.

Q. 6. What was the financial condition of your sister and Mr Curl while they were living together?

Ans. They were very poor peopleand what they did have and about all they had to live upon,the plaintiff had to work and get it.

Jim. was a lazy and thriftless person and never took any interest in his family nor tried to provide for them. He depended almost entirely upon his wife for that.

And further this deponent saith not.

Debecca Thompson

No other witness being present on the motion of the Complainant by her counsel,the further taking of these depositions are adjourned until Thursday morning,Dec.,22,1910 at the same place and between the same hours as mentioned in the caption of this deposition

Given under my hand this the 20th,day of Dec.,1910.

R. E. L. Chamber

Comr. In Chancery for Lee Circuit Crt.

Met pursuant to adjournment at the law office of E.W.Pennington in the town of Pennington Gap,Va.,on Thursday the 22nd day of Dec.,1910.

Present E.W.Pennington,Atty.for Complainant.

Given under my hand this the 22nd day of Dec.,1910.

R. E. L. Chamber

Comr.in Chancery for the Circuit Court
For Lee Couny,Va.

John T. Hughes, another witness after being duly sworn, deposes as follows:

Q.1. Give your name, age, residence and occupation.

Ans. My name is John T. Hughes, 70 years of age, reside on Dry Branch near Pennington Gap, and am a farmer.

Q.2. Do you know the plaintiff and defendant in this suit? If so, how long have you known them?

Ans. I suppose about 30 years.

Q. 3. Where has James Curl been domiciled and living for the last two years, if you know?

Ans. In Lee County, Va.

Q.4. If you ever heard James Curl say anything about leaving, or living with his wife, please state what he said?

Ans. I had heard that his wife had brought suit against him, and I saw Mr. Curl one day and asked him what was the trouble between him and his wife, and he replied that he never aimed to live with her again as long as he lived.

Q. 5. If you have any idea of the time that James Curl and his wife have been separated, please give the time?

Ans. I think they have been separated something like five or six years.

Q.6. And further this deponent saith not.

John T. Hughes

Virginia,

Lee County, to-wit:

I, R. E. L. Chumbley, a Commissioner in Chancery, for the Circuit Court for the County aforesaid and in the State of Virginia, do hereby certify that the aforesaid depositions of Mary Elizabeth Curl, Rebecca S. Thompson, and John T. Hughes were duly taken, sworn to, and subscribed before me at the times and place, and for the purposes in the caption hereto mentioned.

Given under my hand this the 22d day of December, 1910.

R. E. L. Chumbley
Commissioner in Chancery.

Mary E. Leach

vs } Deponents

James Leach,

Received by mail
in good condition
& filed Dec. 23, 1910.

J. P. C. Ewing,
Clerk.

Court fee \$1.00
paid by plaintiff

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

James Curl

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3rd* Monday in *Dec'r.*, 19*10*, to answer a bill in chancery exhibited against *him*

in our said Court by Mary Elizabeth Curl

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *25th* day of *Nov.*, 19*10*, and 1*35th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing Clerk

_____, Clerk

Mary Elizabeth Curl

VS

SUBPENA
IN
CHANCERY

James Curl

Pen. Bros. p. q.

To 2nd Dec. Rules

Circuit Court

1910.
Executed on the 19th
day of Dec. 1910
by delivery of the
true copy of the
within summons
to James Curl
in County, Va
W. J. Tucker S. C. C.